

## AMENDMENTS TO CLAIMS

### Listing of Claims:

(Claims 1, 2, 4, 6, 10-13, 15, 17, 19-23, 25, 27-29, 31, 32 and 34 have been amended; claim 33 has been cancelled; and claim 36 has been added.)

1. (Currently Amended) A method for effecting, via a computer network, substitution of at least one ordered item of at least one customer order, the method comprising:

receiving, via the computer network, at least one customer order, said at least one customer order including at least one ~~order line~~ ordered item relating to an ordered quantity of a particular item of inventory, wherein the at least one customer order includes more than one ordered item, and wherein each ordered item in the at least one customer order can have a quantity larger than one;

analyzing a selected portion of the received customer orders to determine whether at least one item of inventory has been oversold, wherein at least one item in each of the received customer orders has not been delivered to the corresponding customer;

identifying ~~order line~~ ordered items relating to an identified oversold item, wherein each ~~order line~~ ordered item is associated with a respective customer order; and

substituting, based upon predefined criteria, at least one substitute second item for the identified oversold item in ~~selected~~ at least one of the respective customer orders.

2. (Currently Amended) The method of claim 1 wherein said analyzing includes comparing ~~the~~ analyzed order data to inventory data to determine whether at least one item of inventory has been oversold.

3. (Original) The method of claim 2 wherein said comparing occurs before fulfillment of said portion of received customer orders

4. (Currently Amended) The method of claim 1 wherein said substituting includes selecting, using said predefined criteria, desired ~~order line~~ ordered items corresponding to the identified oversold item.

5. (Original) The method of claim 1 wherein the predefined criteria includes instructions for minimizing a number of order substitutions to be performed for each customer order.

6. (Currently Amended) The method of claim 1 wherein the predefined criteria includes instructions for selecting for substitution ~~order line items~~ an ordered item over another ordered item based on the corresponding quantity levels of the ordered item and the another ordered item, which have a relatively highest order quantity.

7. (Original) The method of claim 1 wherein the oversold item substitution occurs at a time of fulfillment of said portion of received customer orders.

8. (Original) The method of claim 7 wherein said ordered item substitution is performed at a time of fulfilling an order without intervention from a human operator.

9. (Original) The method of claim 1 wherein said ordered item substitution is performed by an automated computer process.

10. (Currently Amended) The method claim 1 wherein the predefined criteria includes a sorted list of substitute products from which the substitute ~~second~~ item is chosen.

11. (Currently Amended) The method claim 10 wherein the predefined criteria includes ratio rules for substituting the substitute ~~second~~ item for the identified oversold ~~first~~ item.

12. (Currently Amended) The method of claim 1 further comprising sorting the identified ~~order line~~ ordered items based upon the quantity value associated with each of the identified ~~order line~~ ordered items.

13. (Currently Amended) The method of claim 1 further comprising sorting the identified ~~order line~~ ordered items based upon a number of substitutions which have ~~has~~ already been implemented in each customer order associated with the identified ~~order line~~ ordered items.

14. (Original) The method of claim 1 wherein said analyzing includes aggregating a selected portion of the received customer orders to determine whether at least one item of inventory has been oversold.

15. (Currently Amended) A computer program product for effecting, via a computer network, substitution of at least one ordered item of at least one customer order, the computer program product comprising:

a computer usable medium having computer readable code embodied therein, the computer readable code comprising:

computer code for receiving, via the computer network, at least one customer order, ~~said the~~ at least one customer order including at least one ~~order line~~ ordered item relating to an ordered quantity of a particular item of inventory, wherein the at least one customer order includes more than one ordered item, and wherein each ordered item in the at least one customer order can have a quantity larger than one;

computer code for analyzing at least a portion of the received customer orders to determine whether at least one item of inventory has been oversold, wherein at least one item in each of the received customer orders has not been delivered to the corresponding customer;

computer code for identifying ~~order line~~ ordered items relating to an identified oversold item, wherein each ~~order line~~ ordered item is associated with a respective customer order; and

computer code for substituting, based upon predefined criteria, at least one ~~second~~ substitute item for the identified oversold item in ~~selected~~ at least one of the respective customer orders.

16. (Original) The computer program product of claim 15 wherein the predefined criteria includes instructions for minimizing a number of order substitutions performed for each customer order.

17. (Currently Amended) The computer program product of claim 15 wherein the predefined criteria includes instructions for selecting for substitution ~~order line items~~ an ordered item over another ordered item based on the corresponding quantity levels of the ordered item and the another ordered item ~~which have a relatively highest order quantity.~~

18. (Original) The computer program product of claim 15 wherein said ordered item substitution is performed by an automated computer process.

19. (Currently Amended) The computer program product of claim 15 wherein said computer code for substituting ~~code~~ includes:

computer code for consulting the said predefined criteria to determine a first preferred substitution item for the identified oversold item; and

computer code for determining whether a sufficient quantity of the first preferred substitution item is available to be substituted for the identified oversold item.

20. (Currently Amended) The computer program product of claim ~~19~~ [[15]] further comprising computer code for consulting the said predefined criteria to determine a second preferred substitution item for the identified oversold item in response to a determination that there is an insufficient quantity of the first preferred substitution item available to be substituted for the identified oversold item.

21. (Currently Amended) The computer program product of claim 15 wherein said computer code for substituting code includes computer code for partially substituting an order line ordered item for the identified oversold item, said partial substitution code including:

computer code for reducing a quantity of the ordered item; and

computer code for adding new line item in the respective customer order for a specified quantity of the second item.

22. (Currently Amended) The computer program product of claim 15 wherein said computer code for substituting code includes computer code for fully substituting an order line ordered item for the identified oversold item, said full substitution including:

computer code for reducing a quantity of the ordered item to zero; and

computer code for adding new line item in the respective customer order for a specified quantity of the second item.

23. (Currently Amended) A system for effecting, via a computer network, substitution of at least one ordered item of at least one customer order, the system comprising:

at least one central processing unit;

at least one interface configured or designed to receive at least one customer order via the computer network, said the at least one customer order including at least one order line ordered item relating to an ordered quantity of a particular item of inventory, wherein the at least one customer order includes more than one ordered item, and wherein each ordered item in the at least one customer order can have a quantity larger than one; and

memory;

wherein the processing unit is configured or designed to store in the memory customer order information and predefined criteria relating to item substitution rules;

said system being configured or designed to analyze at least a portion of the received customer orders to determine whether at least one item of inventory has been oversold, wherein at least one item in each of the received customer orders has not been delivered to the corresponding customer;

said system being further configured or designed to identify ~~order-line~~ ordered items relating to an identified oversold item, wherein each ~~order-line~~ ordered item is associated with a respective customer order; and

said system being further configured or designed to substitute, based upon said predefined criteria, at least one ~~second~~ substitute item for the identified oversold item in selected at least one of the respective customer orders.

24. (Original) The system of claim 23 wherein the predefined criteria includes instructions for minimizing a number of order substitutions performed for each customer order.

25. (Currently Amended) The system of claim 23 wherein the predefined criteria includes instructions for selecting for substitution ~~order-line items~~ an ordered item over another ordered item based on the corresponding quantity levels of the ordered item and the another ordered item, which have a relatively highest order quantity.

26. (Original) The system of claim 23 wherein said ordered item substitution is performed by an automated computer process.

27. (Currently Amended) The system of claim 23 wherein the system is further configured or designed to sort the identified ~~order line~~ ordered items based upon the quantity value associated with each of the identified ~~order line~~ ordered items.

28. (Currently Amended) The system of claim 23 wherein the system is further configured or designed to sort the identified ~~order line~~ ordered items based upon a number of substitutions which has already been implemented in each customer order associated with the identified ~~order line~~ ordered items.

29. (Currently amended) A method for effecting, via a computer network, substitution of at least one ordered item of at least one customer order, the method comprising:

receiving, via the computer network, at least one customer order, ~~said the~~ at least one customer order including at least one ~~order line~~ ordered item relating to an ordered quantity of a particular item of inventory, wherein the at least one customer order includes more than one ordered item, and wherein each ordered item in the at least one customer order can have a quantity larger than one;

analyzing at least a portion of the received customer orders to determine whether at least one item of inventory has been oversold, wherein at least one item in each of the received customer orders has not been delivered to the corresponding customer;

identifying ~~order line~~ ordered items relating to an identified oversold item, wherein each ~~order line~~ ordered item is associated with a respective customer order; and

substituting, based upon predefined criteria, at least one ~~second~~ substitute item for the identified oversold item in ~~selected~~ at least one of the respective customer orders;

wherein said substituting includes:

consulting said predefined criteria to determine a first preferred substitution item for the identified oversold item; and

determining whether a sufficient quantity of the first preferred substitution item is available to be substituted for the identified oversold item.

30. (Original) The method of claim 29 further comprising consulting said predefined criteria to determine a second preferred substitution item for the identified oversold item in response to a determination that there is an insufficient quantity of the first preferred substitution item available to be substituted for the identified oversold item.

31. (Currently Amended) The method of claim 29 wherein said substituting includes partially substituting an ~~order line~~ ordered item for the identified oversold item, said partial substitution including:

reducing a quantity of the ordered item; and

adding new line item in the respective customer order for a specified quantity of the ~~second~~ substitute item.

32. (Currently Amended) The method of claim 29 wherein said substituting includes fully substituting an ~~order line~~ ordered item for the identified oversold item, said full substitution including:

reducing a quantity of the ordered item to zero; and

adding new line item in the respective customer order for a specified quantity of the ~~second~~ substitute item.

33. (Cancelled)

34. (Currently Amended) A method for effecting, via a computer network, substitution of at least one ordered item of at least one customer order, the method comprising:

receiving, via the computer network, at least one customer order, said at least one customer order including at least one ~~order line~~ ordered item, each ~~order line~~ ordered item including an ~~order~~ ordered quantity for a particular item of merchandise;

aggregating a selected portion of the plurality of customer orders, wherein the aggregated customer orders include a plurality of ~~order line~~ ordered items;

analyzing the plurality of ~~order line~~ ordered items to determine whether at least one item of merchandise has been oversold;

modifying at least a portion of the received customer orders by substituting alternate merchandise for ordered merchandise which has been identified as being oversold, where the substitution of merchandise items is implemented using predefined criteria; and

fulfilling the modified customer orders.

35. (Original) The method of claim 34 wherein said substitution is performed automatically, without intervention by a human.

36. (New) A method for effecting substitution of at least one ordered item of at least one customer order, the method comprising:

receiving, via a computer network, a customer order from a customer, the customer order including at least one ordered item relating to an ordered quantity of a particular item of inventory;

receiving a preference from the customer regarding substitution;

determining whether at least one item of inventory requested by the customer order has been oversold; and

substituting at least one substitute item for an oversold item in the customer order in accordance with the preference, thereby automatically modifying the customer order.